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28 MAY 2002

JFS

DOCKET NO.: 217552US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: KATOTO Minoru et al.

SERIAL NUMBER: 09/926,779

FILED: 18 December 2001

FOR: NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

ASSISTANT COMMISSIONER FOR PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated **28 January 2002**, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration and a Preliminary Amendment. As a result of the Preliminary Amendment, no multiple dependencies remain in the claims. Accordingly, no additional claims fees are due.

The required surcharge was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$ 400.00 is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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28 MAY 2002

Docket No. 217552US0PCT

IN RE APPLICATION OF: Minoru KOTATO et al.

SERIAL NO: 09/926,779

FILED: December 18, 2001

FOR: NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required
 Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
 Additional documents filed herewith: Notification of Missing Requirements/Response to Notification/Declaration
Check for \$400.00/Petition for Extension of Time

The Fee has been calculated as shown below:

| CLAIMS | CLAIMS REMAINING | | HIGHEST NUMBER PREVIOUSLY PAID | NO. EXTRA CLAIMS | RATE | CALCULATIONS |
|-------------|---------------------|--|---|------------------------|-----------------------------|--------------|
| TOTAL | 13 | MINUS | 20 | 0 | x \$18 = | \$0.00 |
| INDEPENDENT | 3 | MINUS | 3 | 0 | x \$84 = | \$0.00 |
| | | <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | + \$280 = | \$0.00 |
| | | | | | TOTAL OF ABOVE CALCULATIONS | \$0.00 |
| | | <input type="checkbox"/> Reduction by 50% for filing by Small Entity | | | | \$0.00 |
| | | <input type="checkbox"/> Recordation of Assignment | | | + \$40 = | \$0.00 |
| | | | | | TOTAL | \$0.00 |

A check in the amount of \$0.00 is attached.
 Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
 If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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28 MAY 2002

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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2/19/02

IN RE APPLICATION OF:

MINORU KOTATO ET AL : ATTN: APPLICATION DIVISION

SERIAL NO: 09/926,779 :

FILED: DECEMBER 18, 2001 :

FOR: NON-AQUEOUS ELECTROLYTE
SECONDARY BATTERY

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Prior to examination on the merits, please amend the above-identified application as follows.

IN THE CLAIMS

Please amend the claims as shown in the marked-up copy following this amendment to read as follows.

1. (Amended) A non-aqueous electrolyte secondary battery comprising a negative electrode, a positive electrode and an electrolyte having a lithium salt dissolved in a non-aqueous solvent, wherein said non-aqueous solvent comprises a vinylethylene carbonate compound represented by the following formula (I) in an amount of from 0.01% to 20% by weight:

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